

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

ARK LABORATORY, LLC,

Debtor

Case: 23-43403-MLO

Chapter 11

Hon. Maria L. Oxholm

_____/

JASON W. BANK, solely in his
capacity as Successor Trustee
of the Ark Laboratory Trust,

Plaintiff,

Adv. P. Case No. 23-04496-MLO

v

JAMES A. GROSSI, an Individual,
2210/305 LLC, a Michigan limited liability
company, BRIAN TIERNEY, Individually
and as Trustee of the TIERNEY FAMILY
TRUST DATED 12/21/2018, NAMEER
KIMINAIA, Individually and as Trustee of
the NAMEER KIMINAIA LIVING TRUST
DATED 5/31/2019, HAMID SATTAR, ION
DIAGNOSTICS, LLC, a Michigan limited
liability company, and ION MARKETING,
LLC, a Michigan limited liability company,

Defendants.

_____/

**MOTION OF DEFENDANTS, NAMEER KIMINAIA LIVING TRUST AND
TIERNEY FAMILY TRUST TO EXTEND ALL SCHEDULING ORDER
DATES FOR ADDITIONAL 90 DAYS DUE TO ILLNESS**

NOW COME DEFENDANTS, Kiminaia and Tierney Trusts by Counsel in this adversary action and states the following:

1. WHEREAS, the court entered the original Adversary Proceeding Scheduling Order on March 21, 2024 [ECF No. 80] (the “Scheduling Order”) to establish the schedule by which the Adversary Proceeding would be adjudicated by way of establishing various dates for completion of certain activities; and
2. WHEREAS, the Court entered an Order to Amend Adversary Scheduling Order on September 17, 2024 [ECF No. 214] (the “Amended Scheduling Order”); and
3. WHEREAS, the Parties appeared before this Court for a status conference on October 24, 2024 (the “Status Hearing”) on the Parties’ request for the same by their *Stipulation By and Between Plaintiff and Defendants Re: Scheduling Status Conference* [ECF No. 225] wherein the Parties requested amendment to the Court’s *Scheduling Order* [ECF No. 80] and *Amended Scheduling Order* [ECF No. 217] in which, for the reasons stated on the record at the Status Hearing, the Court granted the Parties an extension of all dates and deadlines as provided for in the Proposed Order; and

4. WHEREAS, the Court entered an Order for the Second Amendment to Adversary Scheduling Order on November 1, 2024 [ECF No. 229] (the "Second Amended Scheduling Order"); and
5. WHEREAS, the Court entered an Order for the Third Amendment to Adversary Scheduling Order on February 7, 2024 [ECF No. 274] (the "Third Amended Scheduling Order") solely to extend the deadlines for:
 - (i) the party with the burden of proof on an issue expert report to be moved from March 3, 2025 to March 17, 2025; and
 - (ii) the party with the burden of proof on an issue rebuttal expert report to be moved from April 17, 2025 to May 1, 2025; and
6. WHEREAS, attorney Raymond Salloum, a sole practitioner, represents the following Defendants: (1) the Tierney Family Trust Dated 12/21/2018 (the "Tierney Trust"); (2) the Nameer Kiminaia Living Trust Dated 5/31/2019 (the "Kiminaia Trust"); (3) ION Diagnostics, LLC; and (4) ION Marketing, LLC. These Defendants are the subject of 16 out of the 22 counts in this case, and the claims against the Tierney Trust and the Kiminaia Trust constitute the largest portions of Plaintiff's avoidance claims.
7. WHEREAS, attorney Raymond Salloum was diagnosed with advanced prostate cancer in early-January 2025, and has been undergoing

numerous doctor's appointments, tests, hormone therapy and will begin radiation treatment in April 2025 at the Karmanos Cancer Institute (estimated to be 5 days per week for 4-6 weeks). These treatments have significantly impaired his ability to participate in this case. As a result, attorney Raymond Salloum was unable to attend the depositions of Brian Tierney and Norman Kiminaia (or other Defendants) over the last two (2) months. Given Raymond Salloum's unavailability, Plaintiff's counsel adjourned and deferred their examination of Mr. Tierney and Mr. Kiminaia regarding their respective Trusts and the ION entities; and

8. WHEREAS, attorney Raymond Salloum continues to undergo treatment for prostate cancer and remains under doctor's orders to restrict his work activities for the next several months, and Raymond Salloum requests an extension of all scheduling order deadlines by 90 days to accommodate his personal medical issues; and

Accordingly, the undersigned counsel prays that the Court enter the Proposed Order, attached as **Exhibit 1**, hereto.

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HAMID SATTAR, ION DIAGNOSTICS, LLC, a
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_____/

**ORDER GRANTING ENTRY OF
ORDER FOR FOURTH AMENDMENT TO ADVERSARY
PROCEEDING SCHEDULING ORDER**

THIS MATTER having come before the Court on the Motion of Counsel *for Defendants, Kiminaia Trust and TierneyTrust For Entry Of Order For Fourth Amendment To Adversary Proceeding Scheduling Order Based On Personal Medical Issues* [ECF No.], the Court having reviewed the same; and the Court being otherwise duly advised in the premises;

IT IS HEREBY ORDERED that all deadlines are extended by approximately 90 days and Scheduling Order is amended as follows:

- A. Deadline for Party with burden of proof on an issue expert report extended from March 3, 2025 to June 1, 2025,
- B. Deadline for Party with burden of proof on an issue rebuttal expert report extended from April 17, 2025 to July 16, 2025,
- C. Deadline for completion of discovery is extended from May 28, 2025 to August 26, 2025,
- D. Deadline for Parties to file dispositive motions is extended from June 30, 2025 to September 28, 2025,
- E. Final Pretrial is adjourned from August 14, 2025 to a date in mid-November 2025 to be determined by the Court.
- F. Trial is adjourned from August 25, 2025 through August 27, 2025 to a date in late-November 2025 or early-December 2025 to be determined by the Court.

EXHIBIT 1

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CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2025, my office electronically filed the foregoing papers with the Clerk of the Court using the ECF system, which will send notification of such filing to all those listed by the Court as receiving electronic notices in this case from the Court's CM/ECF system.

Respectfully submitted,

RAYMOND J. SALLOUM PC

By: /s/Raymond Salloum

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*Counsel for Defendants, Kiminaia Trust,
Tierney Trust, Ion Diagnostics and Ion
Marketing*